

2009 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB405)

Received: **12/22/2009**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Kelda Helen Roys (608) 266-5340**

By/Representing: **Emily McWilliams**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Roys@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Seller may confirm no BPA, limit to intended for retail sale

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 12/22/2009	wjackson 12/22/2009		_____			
/1			mduchek 12/22/2009	_____	mbarman 12/22/2009	mbarman 12/22/2009	

FE Sent For:

<END>

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1 WJ 12/22  12/22

FE Sent For:

<END>

Sundberg, Christopher

From: Matthias, Mary
Sent: Monday, December 21, 2009 10:26 PM
To: Sundberg, Christopher
Cc: Kelly, Jessica
Subject: RE: BPA amendment

Chris-

What I would do is amend the bill as follows:

1. On page 2, line 10, after "container", insert "that is intended for retail sale"
2. On page 2, line 11, at the end of that line insert "A manufacturer or wholesaler who sells or offers for sale in this state a child's container that is not intended for retail sale shall do one of the following:
 - (a) Ensure that the container is conspicuously labeled as not containing BPA.
 - (b) Confirm to the buyer that the container does not contain BPA".

With this language, all manufacturers and wholesalers of "child's containers" are treated the same: if their product is intended for retail sale, it must be labeled as BPA-free. If their product is not intended for retail sale, they can either label it or confirm to the buyer that it is BPA-free. If they aren't sure whether the container is intended for retail sale, they can label it and know they are in compliance with the statute.

It doesn't make sense to me to create an exemption that applies only to containers that are sold to hospitals (or other health care settings). In fact, I think this would seem counterintuitive to the average person reading the bill- one might expect that hospitals should be held to higher public safety standards rather than be exempted from them. In addition, it doesn't seem fair to pick one type of user (or seller) and create an exemption for them for no practical reason.

If Abbott complains about having to confirm that their containers are BPA-free, I would point out that all this language does is require them to confirm that they are in compliance with the law. The bill prohibits them from selling a container that contains BPA. I can't imagine any valid reason they would have for refusing to confirm that they are not in violation of the law.

I think leaving the language somewhat unspecific as to what documentation or statement they have to provide to "confirm" to the buyer under option b is a good idea. I wouldn't get too specific- give them some flexibility. It is not worth it to get them all worked up over this. On the other hand, they may want certainty. If they say the draft is too vague on this point, we can make it more specific. But if they aren't willing to work on this to come up with language that they will support, then leaving it unspecific seems to be the best option.

I will be traveling tomorrow and won't be checking e-mail. I'll be back on Wednesday evening and i'll check e-mail then.

I hope this helps!

Mary



Due 12/28
State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa12397 *EMNR*
CTS:.....
Wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 405

1 At the locations indicated, amend the substitute[✓] amendment as follows:

2 ✓ 1. Page 2, line 10: after ^{child's} container insert "that is intended for retail sale".

3 ✓ 2. Page 2, line 11: after "bisphenol A." insert "A manufacturer or wholesaler
4 who sells or offers for sale in this state a child's container that is not intended for
5 retail sale shall do one of the following:

6 (a) Ensure that the container is conspicuously labeled as not containing
7 bisphenol A.

8 (b) Confirm to the buyer that the container does not contain bisphenol A." ✓

9 (END)